



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,718	03/21/2006	Yoshiyasu Fujiwara	0388-060453	4614

28289 7590 02/03/2011
THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

EXAMINER

TEIXEIRA MOFFAT, JONATHAN CHARLES

ART UNIT	PAPER NUMBER
----------	--------------

2857

MAIL DATE	DELIVERY MODE
-----------	---------------

02/03/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/572,718	Applicant(s) FUJIWARA, YOSHIYASU	
	Examiner JONATHAN C. TEIXEIRA MOFFAT	Art Unit 2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's amendments to the title and claims, filed 12/10/2010, are accepted and appreciated by the examiner. Applicant has cancelled claim 5.

Response to Arguments

Applicant's arguments filed 12/10/2010 have been fully considered but they are not persuasive.

On page 12, applicant argues that claims 1-6 are statutory under 35 USC 101. The examiner respectfully disagrees. Although the claim as amended now includes "evaluating via a system", such system is not inherently a machine or apparatus. Fairly, a mental process can be a "system". Additionally, although "applying the predetermined system improvement" is intended to include manipulation of machines, it can also be a verbal order and further, as it is not the focus of the invention, can be considered insignificant extra-solution activity.

Applicant then argues that prior art Fujiwara (20020052716) fails to disclose "all types of steam loss", an "amount of steam supplied to the upstream end of a steam trap" and "amount of steam required". In support of this assertion, applicant argues, on page 14 (lines 6-13), that:

"...each of the traps provided at various portions in the steam piping is configured to separate steam condensate generated in the steam piping from the steam and discharge the steam condensate. At the trap, some steam in the steam piping may leak with the steam condensate depending on a defect present in the trap or a type of the trap, and it is this leak amount in the trap that corresponds to the steam loss in the Fujiwara system. Therefore, the steam loss described in the Fujiwara publication is not equivalent to what the Examiner describes (i.e., "the difference between the steam sent to the trap and the steam that actually reaches the trap")."

Upon review of applicant's specification, however, the examiner finds no mention of "steam condensate" or means to "separate steam condensate". Such language, even if it were present in applicant's disclosure, cannot be read into the claims because it is not inherent to

Art Unit: 2857

“total receiving steam amount”, “total amount of steam supplied” or “total steam loss amount”.

Further, as steam loss due to condensation does not appear to be contemplated by applicant at any time, such a distinction appears to be beyond the scope of applicant's invention. The examiner is thus left to conclude that the leaked steam of Fujiwara is commensurate with “total steam loss” from the claims. Applicant states later (lines 20-21) that:

“no other steam loss is described in Fujiwara”.

As applicant's claims and indeed specification as a whole do not appear to offer any options for “other steam loss”, the examiner is not persuaded that this is a distinction from prior art Fujiwara.

Applicant argues similarly that prior art Fujiwara does not disclose a total loss as a function of a difference between steam sent and steam that reaches the trap, as is claimed. From paragraph 0014 of Fujiwara "calculating, based on said diagnostic result data, a first total steam lost amount". Additionally, as only leakage is disclosed as a factor contributing to loss, one of ordinary skill in the art would reasonably conclude that the amount of steam lost (leaked) is the difference between what is sent and what is received as claimed.

With respect to the claim language of "necessary amount", applicant states (page 14 lines 13-16) that:

“contrary to the Examiner's assertion on the bottom of page 4 of the Office Action, the amount of steam intended for or sent to the trap (the 'necessary' amount)" would not be understood by one skilled in the art.”

Applicant appears to be asserting that the phrase would not be understood and thus is indefinite. The examiner is not persuaded by this argument and maintains that one of ordinary

Art Unit: 2857

skill in the art would understand the term and that the broadest reasonable interpretation includes the steam needed by a device to function.

Applicant finally argues that Fujiwara fails to disclose the ratios claimed because Fujiwara does not “consider the steam loss amount as a whole regarding all of the steam loss existing due to various causes in the steam piping” but applicant fails to present any indication of what other “various causes” exist that are lacking in Fujiwara. Thus the examiner maintains that Fujiwara discloses the measurements and data contemplated by the claims. Further, the examiner maintains that the specific ratios claimed, though not specifically disclosed by Fujiwara, are simple algebraic manipulations. Because one of routine skill in the art is capable of manipulating equations, dividing values to obtain ratios, and adding ratios, and because doing so yields only the predictable result of a basic mathematical relationship between variables, the invention is as a whole obvious to one of ordinary skill in the art.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1.

Claims 1-4 and 6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Specifically, applicant’s invention appears to be directed to a method which is not tied to a specific machine or apparatus. Instead, it appears that this method may be performed on either a general-purpose computing device or even as a mental process. Further, it has been noted that mere field-of-use or insignificant extra-solution activity, though tied to a machine, is not sufficient to tie the method to a specific machine or apparatus. See MPEP 2106.IV.B and In re

Art Unit: 2857

Bilski, 545 F.3d 943, 88 USPQ2d 1385 (Fed Cir. 2008) and In re Alappat, US Court of Appeals Federal Circuit No. 92-1381.

Specifically, although collection of steam data may be performed by a machine, determination of ratios and other simple mathematical relationships are reasonably performed by a human either on paper or as a mental process.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2.

Claims 1-4 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara (US pat pub 20020052716).

With respect to claim 1, Fujiwara discloses a method comprising:

1) Determining a total receiving steam amount which is a total amount of steam supplied to an evaluation target steam piping and a total necessary steam amount which is a total amount of steam required by a steam-using device in the evaluation target steam piping determining a difference between said total receiving steam amount and said total necessary steam amount as a total unknown steam amount which is a total steam loss amount in the evaluation target steam piping (paragraphs 0013-0014). Steam loss is determined.

Although Fujiwara does not use this language and does not specify that the 'total receiving and necessary' amounts are measured, one of ordinary skill in the art would find this to be obvious. The loss discussed by Fujiwara would be understood by those of ordinary skill in

Art Unit: 2857

the art to be, inherently, the difference between the steam sent to the trap and the steam that actually reaches the trap, which is why it is considered a 'leak'. Even if Fujiwara measures only the leak value, the amount of steam intended for or sent to the trap (the 'necessary' amount) would be known and the amount of steam actually reaching the trap would be the difference between that and the leak amount. This amounts to simple mathematical manipulation well within ordinary skill in the art. A simple analogy would be **volume of water in bucket = volume of bucket - volume of water leaked out of bucket**. Given any two values, the other can always be solved for.

2) Determining a total amount of steam loss which can be solved by a predetermined system improvement in the evaluation target steam piping as a total improvable steam loss amount (paragraph 0015).

Again, although Fujiwara does not use this language, the mathematical relationship is disclosed. Fujiwara discloses a current leak amount and a leak amount which will exist once repairs/replacements are done. The difference between these is, logically, the 'solvable' leak amount as one of ordinary skill in the art would find obvious. To simplify: **leak rate now - leak rate later = amount of leak that has been solved**. Again, this is simple mathematical manipulation well within the realm of one of ordinary skill in the art.

4) Evaluating via a system the effectiveness of the predetermined system improvement on the steam loss reduction (paragraph 0015-0017).

5) Applying the predetermined system improvement to components of the steam piping system (paragraph 0018).

With respect to claim 1, Fujiwara fails to specify:

Art Unit: 2857

3) Based on said grasped determined total amounts of steam loss:

A) Obtaining a ratio of said total improvable steam loss amount relative to the total unknown steam amount as an improvable unknown steam ratio or

B) Obtaining a ratio of the total unknown steam amount relative to the total receiving steam amount and a ratio of a total basis unknown steam amount as an unknown steam ratio and an improved unknown steam ratio, respectively or

C) Obtaining a ratio of the total unknown steam amount relative to the total receiving steam amount and a ratio of a total basis unknown steam amount relative to the total receiving steam amount as an unknown steam ratio and an apparent improved unknown steam ratio respectively.

4) Based on one of:

A) The improvable unknown steam ratio indicating the ratio of reduction in the total unknown steam amount realized by the predetermined system improvement or

B) The combination of the unknown steam ratio and the improved unknown steam ratio indicating the ratio of reduction in the total unknown steam amount realized by the predetermined system improvement or

C) The combination of the unknown steam ratio and the apparent improved unknown steam ratio indicating the ratio of reduction in the total unknown steam amount realized by the predetermined system improvement.

However, one of ordinary skill in the art would find such calculations to be within the realm of basic mathematical manipulation which require no more than routine skill in the art (Algebra) and therefore obvious. In general, if $X=Y-Z$ is known then stating $Y=X+Z$ is obvious.

Art Unit: 2857

Additionally, it would be obvious to state that Z/X is the fractional difference between X and Y . Specific to claimed ratio A above, this is merely the fraction or percentage of leak that can be repaired. Fujiwara even discloses fractional relationships between leaks in paragraph 0095, further proving such math to be known. In option B, the first ratio is merely the fraction or percentage of loss, the second is again a fraction or percentage of repairable leak. In option C, the first ratio is merely a fraction of input steam that is leaked, the second is a fraction of expected or ideal steam that is leaked. Each of these ratios is merely a way to re-arrange the data collected by Fujiwara, and the inclusion of 'or' statements implies that though all are obvious, only one need be contemplated to meet the language of the claims. These equations have no special or unique properties and thus yield only predictable results when employed, which is to represent the data of Fujiwara as ratios of one another.

With respect to claim 2, Fujiwara discloses:

1) Performing a trap operation diagnosis on a plurality of evaluation target steam traps mounted in the evaluation target steam piping (Fig 4).

2) Based on a result of the trap operation diagnosis, calculating a total trap-passed steam loss amount obtained by aggregating trap-passed steam loss amounts for the total number of evaluation target steam traps (Abstract). This process yields a total leak amount.

With respect to claim 2, Fujiwara fails to specify:

3) Obtaining, using said total trap-passed steam loss amount as the total improvable steam loss amount to obtain the improvable unknown steam ratio, or the unknown steam ratio and the improved unknown steam ration or the unknown steam ratio and the apparent improved unknown steam ratio.

Art Unit: 2857

However, one of ordinary skill in the art would find such calculations to be within the realm of basic mathematical manipulation which require no more than routine skill in the art (Algebra) and therefore obvious. Again, these ratios are percentages or fractions of leakage or improvable leakage. Each of these ratios is merely a way to re-arrange the data collected by Fujiwara, and the inclusion of 'or' statements implies that though all are obvious, only one need be contemplated to meet the language of the claims. These equations have no special or unique properties and thus yield only predictable results when employed, which is to represent the data of Fujiwara as ratios of one another.

With respect to claim 3, Fujiwara discloses:

1) Performing a trap operation diagnosis on a plurality of evaluation target steam traps mounted in the evaluation target steam piping and a steam leakage diagnosis for diagnosing steam leakage from respective piping portions of the evaluation target steam piping (Fig 4).

2) Based on a result of the trap operation diagnosis, calculating a total trap-passed steam loss amount obtained by aggregating trap-passed steam loss amounts for the total number of evaluation target steam traps (Abstract). This process yields a total leak amount.

3) Based on a result of the steam leakage diagnosis, calculating a total steam leakage loss amount obtained by aggregating steam leakage loss amounts from the respective piping portions (paragraphs 0013-0014).

With respect to claim 3, Fujiwara fails to specify:

4) Using a sum total steam loss amount, which is a sum of said total trap-passed steam loss amount and said total steam leakage loss amount as the total improvable steam loss amount to obtain the improvable unknown steam loss ratio or the unknown steam ratio and the improved

Art Unit: 2857

unknown steam ratio, or the unknown steam ratio and the apparent improved unknown steam ratio.

However, one of ordinary skill in the art would find such calculations to be within the realm of basic mathematical manipulation which require no more than routine skill in the art (Algebra) and therefore obvious. The difference between the current leak and the future leak (after repair) from paragraph 0015 of Fujiwara, is the improvement amount. Again, these ratios are percentages or fractions of leakage or improvable leakage. Each of these ratios is merely a way to re-arrange the data collected by Fujiwara, and the inclusion of 'or' statements implies that though all are obvious, only one need be contemplated to meet the language of the claims. These equations have no special or unique properties and thus yield only predictable results when employed, which is to represent the data of Fujiwara as ratios of one another.

With respect to claims 4 and 7, Fujiwara discloses a method and apparatus for:

1) Receiving, by said inputting means, inputs of result of a trap operation diagnosis performed by a trap diagnotor for diagnosing operational conditions of a plurality of evaluation target steam traps mounted in an evaluation target steam piping and inputs of a total receiving steam amount and a total necessary steam amount of the evaluation target steam piping or an input of a total unknown steam amount which is a difference between the total receiving steam amount and the total necessary steam amount and is a total steam loss amount in the evaluation target steam piping (Fig 4 and paragraphs 0013-0014).

Although Fujiwara does not use this language and does not specify that the 'total receiving and necessary' amounts are measured, one of ordinary skill in the art would find this to be obvious. The loss discussed by Fujiwara would be understood by those of ordinary skill in

Art Unit: 2857

the art to be, inherently, the difference between the steam sent to the trap and the steam that actually reaches the trap, which is why it is considered a 'leak'. Even if Fujiwara measures only the leak value, the amount of steam intended for or sent to the trap (the 'necessary' amount) would be known and the amount of steam actually reaching the trap would be the difference between that and the leak amount. This amounts to simple mathematical manipulation well within ordinary skill in the art. A simple analogy would be **volume of water in bucket = volume of bucket - volume of water leaked out of bucket**. Given any two values, the other can always be solved for.

2) Calculating, by said calculating means and based on the result of the trap operation diagnosis inputted to the inputting means, a total trap-passed steam loss amount obtained by aggregating trap-passed steam loss amounts for all the evaluation target steam traps (Abstract). The leakage is a total leakage.

With respect to claims 4 and 7, Fujiwara fails to specify:

3) Based on the total receiving steam amount and the total necessary steam amount or the total unknown steam amount inputted to the inputting means:

A) Calculating a ratio of the total trap-passed steam loss amount relative to the total unknown steam amount as an improvable unknown steam ratio or

B) Calculating a ratio of the total unknown steam amount relative to the total receiving steam amount and a ratio of a total basis unknown steam amount relative to a value obtained by subtracting the total trap-passed steam loss amount from the total receiving steam amount as an unknown steam ratio and an improved unknown steam ratio, respectively or

C) Calculating a ratio of the total unknown steam amount relative to the total receiving steam amount and a ratio of a total basis unknown steam amount relative to the total receiving steam amount as an unknown steam ratio and an apparent improved unknown steam ratio respectively.

However, one of ordinary skill in the art would find such calculations to be within the realm of basic mathematical manipulation which require no more than routine skill in the art (Algebra) and therefore obvious. In general, if $X=Y-Z$ is known then stating $Y=X+Z$ is obvious. Additionally, it would be obvious to state that Z/X is the fractional difference between X and Y . Specific to claimed ratio A above, this is merely the fraction or percentage of leak that can be repaired. Fujiwara even discloses fractional relationships between leaks in paragraph 0095, further proving such math to be known. In option B, the first ratio is merely the fraction or percentage of loss, the second is again a fraction or percentage of repairable leak. In option C, the first ratio is merely a fraction of input steam that is leaked, the second is a fraction of expected or ideal steam that is leaked. Each of these ratios is merely a way to re-arrange the data collected by Fujiwara, and the inclusion of 'or' statements implies that though all are obvious, only one need be contemplated to meet the language of the claims. These equations have no special or unique properties and thus yield only predictable results when employed, which is to represent the data of Fujiwara as ratios of one another.

With respect to claim 8, Fujiwara discloses a method and apparatus for:

1) Receiving, by said inputting means, inputs of result of a trap operation diagnosis performed by a trap diagnoser for diagnosing operational conditions of a plurality of evaluation target steam traps mounted in an evaluation target steam piping and inputs of a total receiving

Art Unit: 2857

steam amount and a total necessary steam amount of the evaluation target steam piping or an input of a total unknown steam amount which is a difference between the total receiving steam amount and the total necessary steam amount and is a total steam loss amount in the evaluation target steam piping (Fig 4 and paragraphs 0013-0014).

Although Fujiwara does not use this language and does not specify that the 'total receiving and necessary' amounts are measured, one of ordinary skill in the art would find this to be obvious. The loss discussed by Fujiwara would be understood by those of ordinary skill in the art to be, inherently, the difference between the steam sent to the trap and the steam that actually reaches the trap, which is why it is considered a 'leak'. Even if Fujiwara measures only the leak value, the amount of steam intended for or sent to the trap (the 'necessary' amount) would be known and the amount of steam actually reaching the trap would be the difference between that and the leak amount. This amounts to simple mathematical manipulation well within ordinary skill in the art. A simple analogy would be **volume of water in bucket = volume of bucket - volume of water leaked out of bucket**. Given any two values, the other can always be solved for.

2) Calculating, by said calculating means and based on the result of the trap operation diagnosis inputted to the inputting means, a total trap-passed steam loss amount obtained by aggregating trap-passed steam loss amounts for all the evaluation target steam traps (Abstract). The leakage is a total leakage.

3) Based on a result of the steam leakage diagnosis, calculating a total steam leakage loss amount obtained by aggregating steam leakage loss amounts from the respective piping portions (paragraphs 0013-0014).

With respect to claim 8, Fujiwara fails to specify:

4) Based on the total receiving steam amount and the total necessary steam amount or the total unknown steam amount inputted to the inputting means:

A) Calculating a ratio of the total trap-passed steam loss amount relative to the total unknown steam amount as an improvable unknown steam ratio or

B) Calculating a ratio of the total unknown steam amount relative to the total receiving steam amount and a ratio of a total basis unknown steam amount relative to a value obtained by subtracting the total trap-passed steam loss amount from the total receiving steam amount as an unknown steam ratio and an improved unknown steam ratio, respectively or

C) Calculating a ratio of the total unknown steam amount relative to the total receiving steam amount and a ratio of a total basis unknown steam amount relative to the total receiving steam amount as an unknown steam ratio and an apparent improved unknown steam ratio respectively.

However, one of ordinary skill in the art would find such calculations to be within the realm of basic mathematical manipulation which require no more than routine skill in the art (Algebra) and therefore obvious. In general, if $X=Y-Z$ is known then stating $Y=X+Z$ is obvious. Additionally, it would be obvious to state that Z/X is the fractional difference between X and Y . Specific to claimed ratio A above, this is merely the fraction or percentage of leak that can be repaired. Fujiwara even discloses fractional relationships between leaks in paragraph 0095, further proving such math to be known. In option B, the first ratio is merely the fraction or percentage of loss, the second is again a fraction or percentage of repairable leak. In option C,

Art Unit: 2857

the first ratio is merely a fraction of input steam that is leaked, the second is a fraction of expected or ideal steam that is leaked. Each of these ratios is merely a way to re-arrange the data collected by Fujiwara, and the inclusion of 'or' statements implies that though all are obvious, only one need be contemplated to meet the language of the claims. These equations have no special or unique properties and thus yield only predictable results when employed, which is to represent the data of Fujiwara as ratios of one another.

With respect to claims 6 and 9, Fujiwara discloses performing a data generating step performed based on the calculation results of the calculating means, by a data generating means included in the aggregating system for system diagnosis (Fig 4) for generating evaluation data having contents **indicative of** at least the total unknown steam amount and the improvable unknown steam ratio or evaluation data having contents **indicative of** at least the total trap-passed steam loss amount, the sum total steam loss amount and the improvable unknown steam ratio or evaluation data having contents **indicative of** at least the unknown steam ratio and the improved unknown steam ratio or evaluation data having contents **indicative of** at least the unknown steam ratio and the apparent improved unknown steam ratio (Fig 4 and paragraphs 0013-0016). The data collected on leakage is indicative of all of these values as it is a mathematically related parameter.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN C. TEIXEIRA MOFFAT whose telephone number is (571)272-2255. The examiner can normally be reached on Mon-Fri, from 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jonathan C. Teixeira Moffat/
Primary Examiner AU 2857
2/1/2011